

REMARKS

Within the previously presented amendment (filed on October 6, 2004), the previously presented claims were cancelled without prejudice or disclaimer, and new claims 17-22 were added. The new claims address all of the previous issues raised within the Office action mailed June 4, 2004.

First, turning to the objection to the drawings, the objection appears to be moot for both the reasons that the new claims alleviate the need for such a rejection, and the fact that a first and second axes 24 and 25 are shown in Fig. 2. Accordingly, it is respectfully requested that the objection to the drawings be withdrawn.

Turning to the rejection of claims under 35 U.S.C. §112, it is to be noted that the new claims are drafted to address the issues raised within the rejection. In particular, based upon guidance provided by the Examiner during the interview, the limitations directed to the relationship between the device and the tool have been corrected. Similarly, the issue concerning a query regarding a second axis having an axial has been corrected. Accordingly, it is respectfully requested that the rejection of claims under 35 U.S.C. §112 be withdrawn.

Turning to the rejection of claims in view of cited references (the patents to Baker et al. and Kojima). It is respectfully submitted that the new claims contain limitations not found within these respective references. In pertinent part, as discussed within the telephone interview, neither Baker et al. nor Kojima disclose the novel combination that includes a lower part with a semi-cylindrical groove for accommodating the handle, an upper part that keeps the handle in the groove on the lower part, a screw fastening the upper part to the lower part so that the handle can be secured in a selected position, a holder for attachment to the portable tool, and with the lower part including an axial that is integral part of the lower part, and an arm attaching the lower part to the axial. Accordingly, the novel combination as set forth in the claims is allowable over each of these cited references.

Turning to the Examiner's notation that the previous amendment contained new subject matter, in particular the assertion that the axial being an integral part of the lower part is new matter, it should be noted that no new matter has been added. As is stated at page three of the specification, the lower part 16 includes a cylindrical axial. The statement that the axial is an integral part of the lower part is in accord with the definition of integral, which means constituent part. This should help provide clarity despite the fact that the word "part" is utilized elsewhere within the claim (e.g., lower part). The statement in the communication that the specification does not provide any details on how the arms of the lower part connect to the axial does not seem to be dispositive. Again, the specification is quite clear that the lower part includes the cylindrical axial 18. The claim language attempts to do nothing more than to be exceedingly clear that the axial is a constituent part of the lower part. However, if the Examiner has a differing word choice to present this concept, such word choice would be happily received.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. 34354.

Respectfully submitted,
PEARNE & GORDON LLP


Ronald M. Kachmarik, Reg. No. 34512

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
216-579-1700
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